

ORDINANCE NO. 2004 - 048

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT SCA 2004-00048 (WESTGATE COMMERCE CENTER); MODIFYING PAGE 57 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 1.43 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF WESTAGE AVENUE, APPROXIMATELY 1/4 MILE EAST OF MILITARY TRAIL, FROM COMMERCIAL HIGH (CH) WITH CROSS-HATCHING TO COMMERCIAL HIGH (CH); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on August 13, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing
2 pursuant to Chapter 163, Part II, Florida Statutes, on October 28,
3 2004, to review the recommendations of the Local Planning Agency and
4 to consider adoption of the amendments; and

5 WHEREAS, the Palm Beach County Board of County Commissioners has
6 determined that the amendment complies with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulation Act.

9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
10 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

11 Part I. Amendments to the Future Land Use Atlas of the Land Use
12 Element of the 1989 Comprehensive Plan

13 The following amendment to the Future Land Use Element's Future
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 A. Future Land Use Atlas page 57 is amended as follows:

16 Application No.: Westgate Commerce Center (SCA 2004-00048)

17 Amendment: From Commercial High (CH) with cross-
18 hatching to Commercial High (CH);

19 General Location: South side of Westgate Avenue,
20 approximately 1/4 mile east of Military
21 Trail;

22 Size: Approximately 1.43 acres;

23 Part II. Repeal of Laws in Conflict

24 All local laws and ordinances applying to the unincorporated area
25 of Palm Beach County in conflict with any provision of this ordinance
26 are hereby repealed to the extent of such conflict.

27 Part III. Severability

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this Ordinance is for any reason held by the Court to be
30 unconstitutional, inoperative or void, such holding shall not affect
31 the remainder of this Ordinance.

32 Part IV. Inclusion in the 1989 Comprehensive Plan

33 The provisions of this Ordinance shall become and be made a part
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
35 Ordinance may be renumbered or relettered to accomplish such, and the
36 word "ordinance" may be changed to "section," "article," or any other

appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28 day of October, 2004.

ATTEST:

DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Linda C. Halpern

Deputy Clerk

By: Karen T. Marcus

Karen T. Marcus, Chair

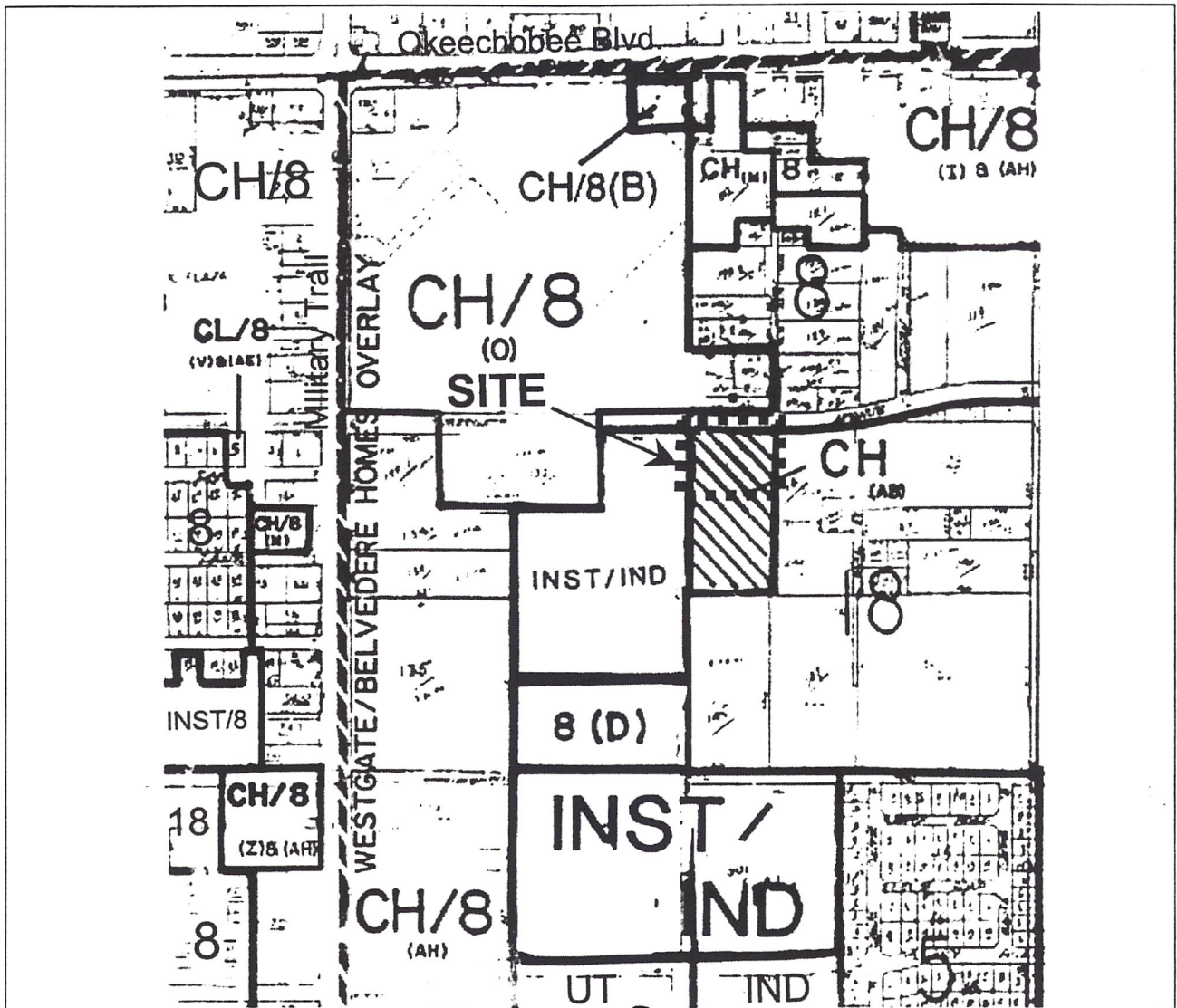
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Robert D. S.
COUNTY ATTORNEY

Filed with the Department of State on the 4 day
of November, 2004.

EXHIBIT 1

Amendment No.: Westgate Commerce Center (SCA 2004-00048)
FLUA Page No.: 57
Amendment: From Commercial High (CH) with cross-hatching to Commercial High (CH).
Location: South side of Westgate Avenue approximately ¼ mile east of Military Trail.
Size: Approximately 1.43 acres
Property No.: 00-42-43-25-00-000-1430
Legal Description: See attached
Conditions: None



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Legal Description:

The west half of the northwest quarter of the southeast quarter of the northeast quarter of Section 25, Township 43 south, Range 42 east, Palm Beach County, Florida; Less the north 40.00 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, page 205 Public Records of Palm Beach County, Florida, and less the south 425 feet thereof.

Containing 1.43 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify that this is a
true and correct copy of the original filed in my office
on October 28, 2004
DATED at West Palm Beach, FL on 12/9/04
DOROTHY H. WILKEN, Clerk
By: Nancy Brown D.C.